

ILLINOIS POLLUTION CONTROL BOARD
July 24, 1980

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 v.) PCB 77-206
)
 RALSTON PURINA COMPANY, a)
)
 Respondent.)

MR. WILLIAM BLAKNEY, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE COMPLAINANT.

MR. ROBERT F. RUSSELL, JOHNSON, MARTIN & RUSSEL, APPEARED ON BEHALF OF THE RESPONDENT.

OPINION AND ORDER OF THE BOARD (by D. Satchell):

This matter comes before the Board upon a complaint filed August 1, 1977 by the State of Illinois, naming as Respondent Ralston Purina Company (Ralston Purina), a Missouri corporation. The complaint alleges violation of Section 9(a) of the Environmental Protection Act (Act) through odors emitted from a mushroom farm operated by Ralston Purina in Bureau County. A stipulation and proposal for settlement was filed April 21, 1978 and a public hearing was held on April 19, 1978. The Board rejected the stipulation (30 PCB 275, 377; May 25, 1978, June 8, 1978). The parties filed a second stipulation and proposal for settlement on February 22, 1980. A public hearing was held February 18, 1980 in Princeton at which time the stipulation was outlined (R. 6)*. Members of the public attended the hearing and commented. Since the hearing the Board has received further written comments.

The mushroom manufacturing facility is described as being two and one-half miles east of Princeton, Bureau County (Stip. 2). The facility is situated adjacent to a creek (R. 27). In a comment filed March 12, 1980, Raymond and Edith Umphress stated that the facility discharges to a ravine tributary to Brush Creek. Maps indicate that this creek is about six miles east of Princeton and is tributary to East Bureau Creek and the Illinois River.

The facility operates twenty-four hours a day, seven days a week and employs 350 people producing about 250,000 pounds of mushrooms a week. Wheat straw containing about five percent equine waste is trucked to the facility from Chicago area racetracks. This is stored out of doors prior to use. The straw is preconditioned by wetting. Each week about 600,000 pounds of straw are mixed with soybean meal and gypsum. The mixture is allowed to decompose aerobically to provide a food source favorable for the

*"R" refers to the hearing held on February 18, 1980.

production of mushrooms. After six days the partially decomposed material is placed into wood trays and pasteurized. This requires an additional six days. Cultured spawn is mechanically planted in the resulting material. After thirteen days a mixture of peat moss, limestone and water is placed over the trays. Reproduction or "pinning" takes place over the next twelve days (Stip. 2). The trays are then put into a growing room. After the mushrooms reach desirable size employees pick and sort the mushrooms by hand. The growing medium is discarded and replaced with new material (Stip. 3). A growing cycle takes two to three months (R. 13).

The facility commenced operation in October 1976 (Stip. 2). During the spring of 1977 and at various times subsequently, citizens living in the general area of the facility have complained about offensive odors and say that they believe the plant was the source of these odors (Stip. 3). Ralston Purina maintains that the plant does not and should not normally emit objectionable odors. However, under certain conditions of wind speed and direction, coupled with an upset of normal operations, odors may be emitted beyond its property line (Stip. 5). Ralston Purina maintains that it is now in compliance with all of the rules and regulations promulgated by the Board (Stip. 10). Ralston Purina has admitted to no violations and the parties have not stipulated to facts sufficient for the Board to find a violation. The parties have, however, provided for payment of a \$1500 penalty (Stip. 11).

Thirteen citizen witnesses presented narrative statements at the hearing (R. 62). Witnesses described the odor as that of a dead cow or other animal (R. 64, 68, 70). The odor was apparent at distances of one-half to three and one-half miles from the plant in various directions (R. 64, 68, 70, 71, 78, 84, 90). The odor was present both in summer and in winter (R. 65). A witness who was familiar with the area prior to construction of the plant testified that there was no such odor prior to that time (R. 78). A witness who lived very close to the plant testified that she had smelled it almost every day on one or more of the four sides of the plant (R. 84).

Based on the facts stipulated, and the testimony of the citizen witnesses and other witnesses at the hearing, the Board finds that Ralston Purina has caused the emission of a contaminant into the environment so as to cause or tend to cause air pollution in violation of Section 9(a) of the Act, substantially as alleged in the complaint.

Ralston Purina's wastewater treatment facilities are another potential source of odor. During the fall of 1976 and the spring of 1977 Ralston Purina experienced startup difficulties with the

plant, including the wastewater settling lagoons. For a period of time during the spring of 1977 the lagoon turned anaerobic. Ralston Purina maintains that this was a source of the objectionable odors and that they were not detectable beyond Ralston Purina's property line (Stip. 3). Prior to filing of the complaint in July 1977 it eliminated the use of one of the two lagoons and constructed a new lagoon capable of handling the normal flow of wastewater without turning anaerobic. It believes that these steps have successfully abated any odors associated with the operation of the lagoon (Stip. 4). Ralston Purina stated at the hearing that if there is a problem with its lagoon, the problem will be corrected (R. 25).

In their comment filed March 12, 1980, Raymond and Edith Umphress made several allegations involving water pollution from the facility. Since this is not alleged in the complaint, the Board will make no findings concerning water pollution. Witnesses and commenters also complained about disease, flies and open dumping of used compost. The Board likewise makes no findings on these issues.

Since the first hearing in 1978 Ralston Purina hired a consultant to study the odor. These studies concluded that there exists a correlation between wind direction, the mushroom farm site and odor complaint locations (Stip. 5). There is no indication that Ralston Purina has taken any action to reduce odors in connection with its processes.

Under the terms of the stipulation Ralston Purina is to carry out a schedule to reduce the odor potential from its process (Stip. 6; R. 10). This program includes the following:

- (1) A berm is to be constructed around the wharf area to direct wharf water to the waste treatment plant, minimizing the potential for stagnant pools of water.
- (2) Composting materials are to be stored on the concrete wharf at least two feet away from the edge.
- (3) A study is to be done and the effective stack height of roof vents adjusted to provide better dispersion.
- (4) A laboratory scale study is to be done to determine if addition of activated charcoal or oxidizing agents will reduce the odor potential of the compost.
- (5) Laboratory studies are to be done to determine better methods for control of oxygen and water at the bottom of the compost.

- (6) A pilot plant study is to be done involving a spray curtain utilizing an oxidizing agent to intercept odors from the wharf areas.
- (7) If the result of the paragraph 6 study is favorable, Ralston Purina is to add an oxidizing agent to air emitted from the roof covering the compost area.
- (8) Investigation of alternative growing media, including crushed corn cobs, is to be performed.

Ralston Purina is to submit various information to the Attorney General's office, including a final odor abatement program. Upon approval, the final program is to be implemented within nine months (Stip. 10). The Attorney General retains the right to inspect the facility. Ralston Purina is to maintain a record of odor complaints for three years and make these available to the Attorney General's office. The agreement provides for a stipulated penalty of \$1500. The agreement provides expressly that a subsequent odor complaint may be filed in the event of additional odor complaints or if facts and circumstances so warrant (Stip. 11).

It appears that the citizens who attended the hearing opposed the terms of the stipulation (R. 20). The objections centered more on whether Ralston Purina will carry out the terms or whether the odor will be reduced rather than specific objections concerning the efficacy of the program. Since Ralston Purina has agreed to undertake a compliance program with some chance of success and since there is a specific provision that the settlement does not bar a future enforcement action, the Board finds the stipulation acceptable pursuant to Procedural Rule 331. The Board finds the penalty of \$1500 will aid in enforcement of the Act.

This Opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

- (1) Respondent Ralston Purina Company is in violation of Section 9(a) of the Environmental Protection Act.
- (2) Ralston Purina Company is ordered to cease and desist violations of Section 9(a) of the Act.
- (3) The stipulation and proposal for settlement is incorporated into this order by reference. Ralston Purina Company is ordered to comply with terms of that stipulation as if fully set forth.


- (4) Ralston Purina Company shall, by certified check or money order payable to the State of Illinois, pay a civil penalty of \$1500 which is to be sent to:

Illinois Environmental Protection Agency
Fiscal Services Division
2200 Churchill Road
Springfield, Illinois 62706

IT IS SO ORDERED.

Mr. Goodman abstained. Mr. Dumelle concurred.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 24th day of July, 1980 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board